

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 143 Exceptions for Aircraft Assembly and Manufacturing Hangars from Comprehensive Plan Transportation Concurrency Requirements
SPONSOR(S): Military & Local Affairs Policy Committee, Ray and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 1518

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Military & Local Affairs Policy Committee	12 Y, 0 N, As CS	Rojas	Hoagland
2)	Economic Development & Community Affairs Policy Council	15 Y, 0 N	Rojas	Tinker
3)				
4)				
5)				

SUMMARY ANALYSIS

Section 163.3180(4)(b), F.S., exempts public transit facilities from transportation concurrency requirements to promote alternative modes of transportation. Some specific exemptions under this paragraph include:

- Airport passenger terminals and concourses
- Air cargo facilities
- Hangars for aircraft storage or maintenance

This committee substitute (CS) amends s. 163.3180(4)(b), F.S., to exempt hangars for the assembly or manufacture of aircraft from transportation concurrency requirements.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Growth Management Act requires local governments to employ a systematic process to ensure new development does not occur unless adequate transportation infrastructure is in place to support the development. Transportation concurrency is a growth management strategy intended at ensuring that transportation facilities and services are available "concurrent" with the impacts of development. To implement concurrency, local governments must define what constitutes an adequate level of service (LOS) for the transportation system and measure whether the service needs of a new development exceed existing capacity and scheduled improvements for that period.

The Florida Department of Transportation (FDOT) is responsible for establishing level-of-service standards on the highway component of the strategic intermodal system (SIS) and for developing guidelines to be used by local governments on other roads. The SIS consists of statewide and interregional significant transportation facilities and services and plays a critical role in moving people and goods between major economic regions in Florida, to and from other states, as well as to shipment centers for global distribution.

Strict application of concurrency has resulted in development seeking out capacity in undeveloped areas. Consequently, methods to allow for greater flexibility to meet public policy objectives were adopted. In 1992, Transportation Concurrency Management Areas (TCMA) were authorized, allowing an area-wide LOS standard, rather than facility-specific designations, to promote urban infill and redevelopment and provide greater mobility in those areas through alternatives such as public transit systems. Subsequently, two additional relaxations of concurrency were authorized: Transportation Concurrency Exception Areas (TCEA) and Long-term Transportation Concurrency Management Systems. Specifically, the TCEA is intended to "reduce the adverse impact transportation concurrency may have on urban infill and redevelopment" by exempting certain areas from the concurrency requirement. Long-term Transportation Concurrency Management Systems are intended to address significant backlogs.

Section 163.3180(4)(b), F.S., exempts public transit facilities from transportation concurrency requirements to promote alternative modes of transportation. Some specific exemptions under this paragraph include:

- Airport passenger terminals and concourses
- Air cargo facilities
- Hangars for aircraft storage or maintenance

Chapter 2009-96, Laws of Florida, legislatively designated dense urban land areas (DULAs) as transportation concurrency exception areas (TCEA); however, it also empowered counties¹ and municipalities² that did not meet the criteria for legislative designation to adopt amendments to their comprehensive plans to designate TCEAs.

Effect of the CS

The CS amends s. 163.3180(4)(b), F.S., to exempt hangars for the assembly or manufacture of aircraft from transportation concurrency requirements.

B. SECTION DIRECTORY:

Section 1 amends s. 163.3180(4)(b), F.S., to exempt hangars for the assembly or manufacture of aircraft from transportation concurrency requirements.

Section 2 provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

FDOT indicates that the bill will have an unknown negative fiscal impact associated with exempting private businesses from concurrency requirements.

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Local governments in DULAs that contain hangars for the assembly or manufacture of aircraft will not lose the ability to collect proportionate fair share contributions as Chapter 2009-96, Laws of Florida, specified that designation of a TCEA did not limit a local government's home rule power to adopt ordinances or impose fees. However, local government jurisdictions that do not qualify as DULAs and contain hangars for the assembly or manufacture of aircraft will lose the ability to collect proportionate fair share contributions.

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The CS would promote the assembly or manufacture of aircraft in Florida.

¹ urban infill as defined in s. 163.3164(27), F.S.; urban infill and redevelopment as defined in s. 163.2517, F.S.; or urban service areas as defined in s. 163.3164(29), F.S., or urban service areas under s. 163.3177(14), F.S.

² urban infill as defined in s. 163.3164(27), F.S.; community redevelopment as defined in s. 163.340(10), F.S.; downtown revitalization as defined in s. 163.3164(25), F.S.; urban infill and redevelopment as defined in s. 163.2517, F.S.; or urban service areas as defined in s. 163.3164(29), F.S.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Local governments in DULAs that contain hangars for the assembly or manufacture of aircraft will not lose the ability to collect proportionate fair share contributions as Chapter 2009-96, Laws of Florida, specified that designation of a TCEA did not limit a local government's home rule power to adopt ordinances or impose fees. However, local government jurisdictions that do not qualify as DULAs and contain hangars for the assembly or manufacture of aircraft will lose the ability to collect proportionate fair share contributions. Therefore if the total statewide impact exceeds \$1.9 million, the mandate provision may apply.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

FDOT indicates that the extension of concurrency exemptions to private businesses that assemble or manufacture aircraft in this section of law appears to be inappropriate from a statutory construction perspective as private businesses are not public transit facilities.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 25, 2010, HB 143 was amended in the Military & Local Affairs Policy Committee upon adoption of a proposed committee substitute. The analysis reflects the bill as amended.